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On January 15, 2003

By

Diana M. Schaller
Diana M. Schaller

Attorney Docket No.: 0179.210US

(Formerly 02-031910US)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Juha Punnonen, *et al.*

Application No.: 09/886,942

Filed: June 21, 2001

For: **NOVEL CHIMERIC PROMOTERS**

Examiner: Gerald G. Leffers, Jr.

Art Unit: 1636

**COMMUNICATION REGARDING
PREVIOUSLY SUBMITTED
INFORMATION DISCLOSURE
STATEMENT AND COPIES OF
REFERENCES CITED THEREIN**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In the Office Action mailed on December 6, 2002, the Examiner states that the Information Disclosure Statement ("IDS") mailed on November 6, 2001 and received by the U.S. Patent Office on December 13, 2001 failed to comply with the provisions of 37 CFR §§ 1.97, 1.98 and MPEP § 609 because copies of the cited references were not located with the IDS.

Applicants hereby state that copies of all references cited on the IDS mailed on November 6, 2001 (References AA-ED) were mailed with that IDS mailed and that these references were received, along with the IDS, by the USPTO on December 13, 2001. Included herewith are copies of the following documents, which demonstrate that all such references AA-ED were mailed to and received by the USPTO:

1. Copy of Transmittal Form for Information Disclosure Statement as filed on November 6, 2001;
2. Copy of Information Disclosure Statement as filed on November 6, 2001;

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3. Copy of PTO/SB/08A-B as filed on November 6, 2001 citing references AA - ED (including copies of each of the cited references AA - ED); and

4. Copy of Return Postcard date-stamped by the USPTO mailroom on December 13, 2001 (indicating receipt of the IDS, Transmittal Form, and references).

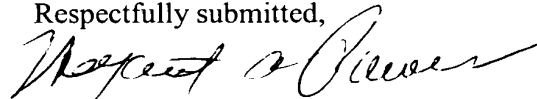
Applicants believe the submitted references may have been misplaced in the USPTO mailroom.

Nevertheless, for the convenience of the Examiner and to facilitate prosecution of this application, Applicants submit herein a copy of the IDS and Form PTO/SB/08A-B (substitute for Form PTO 1449) and a second copy of each of References AA - ED cited therein -- as originally mailed to the USPTO in the above-referenced application on November 6, 2001. Applicants respectfully request that the Examiner consider these references and make them of record in the above-referenced application.

Applicants believe no additional fees are due, since this IDS and copies of the cited references were previously mailed on November 6, 2001 and received by the USPTO on December 13, 2001, as indicated by the attached documents, prior to the first Office Action on the merits. However, if the Office does not give approval to Applicants' original submission and verification thereof, and determines that an additional fee is due, Applicants request that a fee of \$180.00 (or the fee necessary) be deducted from the undersigned's Deposit Account No. 50-0990.

Applicants thank the Examiner for his time and courtesy in checking the file associated with this application in an effort to locate the missing references. If the Examiner believes a telephone conference would expedite prosecution of this Application, please telephone the undersigned at (650) 298-5809.

Respectfully submitted,



Margaret A. Powers

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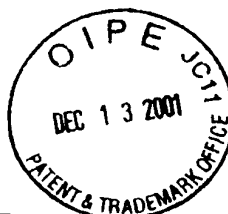
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TO THE U.S. PATENT & TRADEMARK OFFICE
Please stamp the date of receipt of the following document(s) and return this card to us:

RE: Information Disclosure Statement for NOVEL CHIMERIC PROMOTERS

TITLE OF DOCUMENT(S):

- Information Disclosure Statement
- PTO-form 1449
- Cited References
- Transmittal Sheet
- Acknowledgement Postcard



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